

REMARKS

In the Office Action dated November 26, 2010, Claims 1, 4-22 and 25 were rejected under 35 U.S.C. §103. Applicant respectfully traverses this rejection.

The Examiner rejected the claims as obvious in view of Kwasny (WO 02/076852) and Leoncavallo (US 6,305,576). The Examiner refers to figure 2 of Leoncavallo showing a cartridge 80 wherein the first end of the cartridge body may be an integral portion of the cartridge body. One skilled in the art would not look to combine a document referring to a pressurized can and a document describing a very different kind of container. In particular, one skilled in the art would have no incentive to improve the cover of the inner casing in accordance with the present invention. WO 02/076852 clearly says that a simple case cover as described herein can be considered as unproblematic (cf. page 2, paragraph 5 of the English translation). Hence, one document describes the cover at the can-side end to be unproblematic while another document describes a very different kind of container. Thus, this feature is not obvious.

Moreover, the problems arising in a two-component pressurized can according to the invention do not arise in a container according to Leoncavallo. In particular in case of two-component coating systems using aromatics as solvents and polyisocyanates as the second component, the two components migrate into the sealing system. This effect is intensified by the pressure difference between the inner casing and the outside container. Leoncavallo neither describes such problems nor gives any hint to pressurized cans. Hence, the person of ordinary skill in the art had no incentive to consider Leoncavallo to solve problems not even recognized by Kwasny.

In addition, the feature according to which the pressure inside the inner casing is lower than the pressure outside the inner casing and the membrane is comprised of a material sufficiently flexible so that in response to the higher pressure outside the inner casing the membrane bulges into said inner casing, should be considered as a structural claim limitation. The thickness of the membrane must be chosen in a way to be adapted to the difference in pressure between the volume inside the inner casing and the volume outside the inner casing to bulge into the inner casing. Such a feature is not described by Kwasny. Moreover, Leoncavallo does not describe a container with a pressure difference between the container and cartridge. For example, page 5, lines 31-36 show that having opened the cartridge the fluid from the interior flows outside. This can also be seen from figures 4A and 4B. Hence,

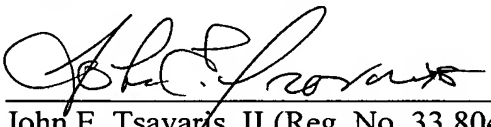
there is no hint, neither by Kwasny nor by Leoncavallo to construct the membrane in a way to bulge into the inner casing.

Claim 15 contains the limitation that the push rod has a shape of a sloped and sharp-edged hollow cylinder at its can-side end not obvious because such a push rod is neither taught nor suggested by Kwasny nor by Leoncavallo.

Applicant is pleased that the corresponding European, Canadian and Japanese patents have been granted and applicant respectfully requests the allowance of Claims 1, 4-22, and 25 in view of the above remarks.

If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicant's attorney, the Examiner is invited to contact the undersigned at the telephone number given below.

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Respectfully submitted,

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